

**MINUTES OF THE MILLVILLE  
TOWN COUNCIL WORKSHOP  
June 23, 2015 @ 7:00 PM**

In attendance were Mayor Gerry Hocker, Treasurer Harry Kent, Secretary Steve Maneri, Town Manager Debbie Botchie, URS Representative Kyle Gulbranson, Town Code & Building Administrator Eric Evans, and Executive Assistant Matt Amerling. Deputy Mayor Bob Gordon and Councilmember Susan Brewer were absent.

**1. CALL TO ORDER:**

Mayor Hocker called the meeting to order at 7:00 p.m.

**2. PLEDGE OF ALLEGIANCE TO THE FLAG**

Mayor Hocker led the pledge of allegiance.

**3. NEW BUSINESS:**

**A.** Review and discuss Ordinance 16-01. *Synopsis:* Ordinance 15-03 amends the Town of Millville Code at Chapter 155 relating to Zoning at: Article V Application of District Regulations, § 155-8. Applicability of Zoning Regulations; Article VI District Regulations, § 155-9. AR-Agriculture Residential District, § 155-10. R-Residential District, § 155-13. C1-Route 26 Corridor/Town Center Commercial District, § 155-14. C2-Town Commercial District; Article VII Supplementary District Regulations § 155-28. Off-Street Parking by adding C. Design standards for parking areas; Article X Conditional Uses, § 155-49. Conditional uses enumerated; and Article XIV. Terminology.

Mayor Hocker formed a committee earlier this year which consisted of the following persons: Councilmembers Maneri and Kent, Town Manager Debbie Botchie, Code & Building Administrator Eric Evans, Town Planner Kyle Gulbranson, URS Corp., and Planning & Zoning (P&Z) Chairman Bob Linett. The committee worked very diligently this past year reviewing and discussing the zoning district regulations in the Town's current code, and has made several suggested changes to the code to ready the Town for future growth. The P&Z Commission, at its regular meeting on January 12, 2015, reviewed the sections of AR District and R District; on March 9, 2015, reviewed the sections of the C1 District and C2 District; on April 13, 2015, reviewed the sections of the Supplementary District Regulations and Design standards; and on May 11, 2015, P&Z recommended to Council the zoning code amendment as presented tonight. The ordinance was redesignated the number 15-03 after the number 15-02 was assigned to another ordinance, then redesignated the number 16-01 as the Town is in its new fiscal year.

Town Manager Debbie Botchie stated the Town is also amending Article V: "Application of District Regulations." Ms. Botchie stated there was much discussion about retail stores and what can be defined as such, specifically when it comes to adult establishments. Ms. Botchie further stated Town Solicitor Seth Thompson thought the best action would be to move "adult

establishments” to the application of district regulations, applicability of zoning regulations, adding language to prohibit “adult entertainment establishments,” “massage establishments,” and “tap rooms” in any part of the Town’s Zoning Code. Ms. Botchie stated the Town has used the definitions of “adult entertainment establishments,” “tap rooms,” and “massage establishments” as in Delaware’s State Code, which is what the review committee wanted as well as the P&Z Committee.

Ms. Botchie stated, regarding the Agricultural (AR) District, there was discussion whether six (6) months was long enough to be considered temporary when it came to produce stands on agriculturally-zoned property. URS representative Kyle Gulbranson stated the reason six months was questioned was because someone could go straight from selling produce to selling Christmas trees for the holiday season. Council Member Harry Kent stated taking that aspect into consideration made the use no longer seem temporary, but permanent. Mr. Gulbranson stated there aren’t many AR parcels and if someone wanted to do such a stand in the commercial district than it would be considered more permanent and have to be permitted, so the Town would be covered.

Mr. Gulbranson stated, regarding the Residential (R) District, there really wasn’t much done, except cleaning up the language in the accessory structure section, which was amended a few months ago. Mr. Gulbranson stated on page five (5) there was a lot of language that was stricken because it was redundant. Town Code and Building Administrator Eric Evans stated, on page four (4), in the last paragraph, the words “400 square feet” are missing and need to be added after the sentence “... shall not exceed ...” Mr. Gulbranson stated, back on page five, the committee decided to take out the special exceptions because they are approved by the Town’s Board of Adjustment (BOA) and completely bypasses the Town Council, which the committee believed was not a good way to go about a public process. Mr. Gulbranson further stated the committee believed a conditional use is a better way of regulating things so Council can put conditions on certain uses, and Council and P&Z has the authority to set those conditions, and with special exception, the BOA can bypass everyone. Mr. Evans stated, in other words, this amendment will put some of the power back in Council’s hands. Mr. Gulbranson stated the Code now allows for home occupations and bed-and-breakfasts to be approved as a special exception, and it would be moved into the conditional use category.

Ms. Botchie stated the committee and P&Z spent a lot of time on the Commercial (C1 & C2) Districts to establish what the Town wants for its future. Mr. Gulbranson stated the reason some sections of this particular Code are the way they are is because, back when the Code was first drafted almost ten (10) years ago, the types of development the Town anticipated to occur really did not happen, so the committee and P&Z reviewed the permitted uses and modernized them. Ms. Botchie stated the words “Route 26” were omitted from the ordinance because a business may, in the future, want to come in and zone a parcel of land along Route 17/Roxana Road as C1 or C2. Ms. Botchie stated Mr. Thompson wanted to use the words “such as” before the examples of permitted commercial uses, and Council agreed. Mr. Gulbranson stated Council should think of inserting the words “limited to” before the list of restaurant types so specific types of eateries are known. Council agreed. Ms. Botchie stated, under “repair shops,” the types would be limited to shoe, clock, and computer. Mayor Hocker asked if this section would

include when repair shops are in conjunction with retail shops – such as a computer store that also repairs computers. Mr. Gulbranson stated he thinks Council will see, as they get further into the Code, a repair shop could be in conjunction with a retail store. Town Executive Assistant Matt Amerling stated all three retail uses (shoes, clocks, computers) are permitted in the Code so whether the businesses also have a repair shop is moot.

Ms. Botchie stated, regarding hotels and motels, the committee added these uses to the C1 district due to the fact that there are quite a few parcels along the C1 corridor/Route 26 which can accommodate a hotel or motel. Ms. Botchie stated there was much discussion and debate amongst P&Z on this topic, and P&Z voted 3-1 to remove hotels and motels from the C1 district. Ms. Botchie stated she informed P&Z that there are plenty of parcels in the C1 district which are large enough to accommodate a hotel or motel and the property owner of said property shouldn't be penalized (by not being allowed to sell their land) because he or she has a lot of land. Mr. Gulbranson stated the discussion was made that if a property owner had a 20-acre parcel in the C1 district, there is no reason why he or she cannot petition the Town to rezone the parcel to C2, and the Town's comprehensive plan does not specify whether a commercial area is C1 or C2 but rather just that its future land use is commercial; so really there is no reason why someone could not rezone their property. Mr. Gulbranson further stated after P&Z came to terms with that aspect, P&Z asked why eliminate it from the C1 district because someone can do it regardless and there is no way the Town can turn down their rezoning request. Ms. Botchie stated there are parcels along Route 26 that are fifteen- (15) and twenty (20)-acre lots and some that can be combined to be rezoned. Mr. Evans stated the size of a building in C1 would consist of a height of forty-two (42) feet, and a lot area of eight thousand (8000) square feet. Mr. Gulbranson stated the Town reduced the minimum lot size of C1 in order to make a majority of the lots conform. Ms. Botchie stated if there are property owners who have the necessary sized lot, and they want a hotel or motel, at this point, if Council accepts P&Z's recommendations to take it out of C1 and put it into C2, the property owner could come for a C2 rezoning. Mr. Kent stated he does not see an advantage in a commercial district of having a certain amount of square feet in a property, then tell someone they cannot build because they exceed or whatever. Mr. Kent further stated if the property owner meets the setbacks and is not creating a hardship to anyone surrounding the property then let them use the property to their advantage. Ms. Botchie stated she agrees and her argument with P&Z was it is no fault of the property owner so the Town should not come in and say "these are our regulations, I'm sorry." Mr. Kent stated there is the Town's design criteria in place so that is also a safety for the hotel or motel to follow particular standards which would meet the Town's requirements. Mr. Evans stated P&Z's argument was they would like to see Route 26/Atlantic Avenue have the small "mom & pop stores," but, to the contrary, these types of "mom & pop stores" are not going to be able to pay the kind of money that will be asked for by sellers of these bigger lots. Council agreed. Mayor Hocker stated the Town is made up of lots of all sizes and shapes, and he thinks meeting the setback and having the building envelope is the best way to go.

Ms. Botchie stated, on page ten (10), there is mention of the "yard waste drop-off facilities," and this facility must be an accessory use to a business that is a nursery or landscape business. Mr. Kent stated he thinks there are so many criteria in order to have such a facility which will

help with its proper approval. Ms. Botchie asked Mayor Hocker if he wanted to stop here and continue the discussion at the next Council meeting (July 14, 2015). Mayor Hocker stated yes.

**4. PROPERTY OWNERS/AUDIENCE COMMENTS AND QUESTIONS**

There were no comments.

**5. ANNOUNCEMENT OF NEXT MEETING – TOWN COUNCIL MTG., JULY 14, 2015**

**6. ADJOURNMENT**

Mr. Kent motioned to adjourn at 8:02 p.m. Mr. Maneri seconded the motion. Motion carried 3-0.

Respectfully submitted,  
Matt Amerling, Town Executive Assistant